

SENT BY:

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SEP-12-05 4:14;

SEP 12 2005

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/942,664	
	Filing Date	8/31/2001	
	First Named Inventor	Leon Li-Feng Jiang	
	Art Unit	2633	
	Examiner Name	Bello, Agustin	
Total Number of Pages in This Submission	17	Attorney Docket Number	SEN111

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <div style="text-align: right;"> RECEIVED OIPE/IAP SEP 13 2005 </div>		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Wenli Yu / LightRail Networks, Inc.
Signature	<i>[Signature]</i>
Date	9/12/05

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	WENLI YU
Signature	<i>[Signature]</i>
Date	9/12/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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LightRail Networks, Inc.
1395 Piccard Dr., Suite 115
Rockville, MD 20850, USA
Tel: 1-(240) 631-2378
Fax: 1-(240) 631-2379
www.lightrailnetworks.com

SEP 12 2005

September 12, 2005

REF: Application No. 09/942,664

Mr. Agustin Bello, Patent Examiner
US Patent and Trademark Office
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Mr. Bello:

This letter is in responding to the Notice of Abandonment dated 05/26/05 regarding Application Number 09/942,664. We are requesting USPTO to re-exam and reconsider the decision because the stated reasons were incorrect based on the facts and our records. In fact, we responded the USPTO's office action of March 10, 2004 on August 9, 2004 which was a day earlier than the dead line of August 10, 2004.

I am enclosing copies of the fax record page along with the responses submitted to USPTO on 08/09/04 by our patent attorney Margaret Burke. These records were submitted second time per your request on 09/02/04 as evidence of on-time respond to the office action after your call. As she explained to you in her fax dated September 3, 2004, the Application Number was in error in the original submittal, the \$210 fee may had been applied to the wrong application 09/942,662.

I hope USPTO will reverse its decision based on the evidence and records provided here. Please feel free to contact me at 301-370-0496 if you need any additional information. I appreciate you time and thank you for your attention in this matter, as you would understand that every patent application is important to our future business well being.

Sincerely yours,

A handwritten signature in black ink, appearing to be "Wenli Yu", written over a horizontal line.

Wenli Yu
President

Notice of Abandonment

Application No.

09/942,664

Examiner

Agustin Bello

Applicant(s)

JIANG ET AL.

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10 March 2004.
 - (a) ☒ A reply was received on 02 September 2004 (with a Certificate of Mailing or Transmission dated 02 September 2004), which is after the expiration of the period for reply (including a total extension of time of 2 month(s)) which expired on 02 August 2004.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

A Bello
AGUSTIN BELLO
PATENT EXAMINER

05/26/05

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 0

Continuation Sheet (PTOL-1432)

Application No. 09/942,664

Item 7 - Other reasons for holding abandonment: A non-final office action was mailed on 3/10/04 with a 3-month shortened statutory period for reply which expired 6/10/04. The applicant filed a response on 9/2/04 and requested a 2-month extension of time beyond shortened statutory period for reply which would have been 8/10/04. Since the new deadline for reply including the two month extension was 8/10/04 and the reply was received on 9/2/04, the applicant has failed to timely file a proper reply to the office action mailed 3/10/04. Furthermore, the applicant requested that all fees be charged to a credit card, but failed to provide the required PTO-2038 including the relevant credit card information, thereby preventing the payment of fees.

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SEP 12 2005

TAIYO, NAKAJIMA & KATO
INTELLECTUAL PROPERTY LAW

Seventh Floor, HK-Shinjuku Bldg., 3-17 Shinjuku 4-chome,
Shinjuku-ku, Tokyo 160-0022 JAPAN
Telephone: +81 3 3357-6277 E-mail: mail@taiyo-nk.co.jp
Facsimile: +81 3 3355-5674

FACSIMILE COVER SHEETNumber of pages (including cover sheet): 13 Date: September 3, 2004To: Examiner Bello Art Unit 2633Firm: USPTOFrom: Margaret BurkeYour Reference: 09/942,664 Our Reference: SEN111

Message:

Dear Examiner Bello:

I sincerely apologize for your not receiving our response. Apparently, I typed the last number of the serial number incorrectly. On the copy that I am faxing to you I have corrected the error. The PTO charged my credit card \$210 on August 10th although it was probably applied to the incorrect serial number.

The fax receipt is in Japanese as I am currently working in Tokyo but I have had translated the relevant parts. Once again, I am very sorry to have caused you this difficulty.


Margaret Burke

If there are any problems with this transmission, please let us know immediately.
If you have received this transmission in error, please return it to us
and we will reimburse you for your expenses.

モニターレポート

"MONITOR
REPORT"R33V
G2-1D
G4-1D
G4-1D
G4-1D
G4-1D04- 8- 9:11:38
0332556430タイヨウコクワイトナカジマ
TAIYO, NAKAJIMA AND KATO

原稿は、送信完了しました。

原稿サイズ A4縦

TAIYO, NAKAJIMA & KATO
INTELLECTUAL PROPERTY LAWSecond Floor, NCC-Shinjuku Bldg., 3-17 Shinjuku 4-chome,
Shinjuku-ku, Tokyo 160-0022 JAPAN
Telephone: +81 3 3357-6277 E-mail: mail@taiyo-nk.jp
Facsimile: +81 3 3355-6474

FACSIMILE COVER SHEET

Number of pages (including attachments): 13 Date: August 9, 2004

To: USPTO

From: 2032

Your Reference: 00007-001 Our Reference: S00011

Message:
RESPONSE TO OFFICE ACTIONIf there are any problems with this transmission, please let us know immediately.
If you have received this transmission in error, please return it to us
and we will reimburse you for your expenses.原稿枚数 : 13枚
送信枚数 : 13枚

"PAGES"

"SENDING RESULT"

No.	文書番号	相手	開始時刻	所要時間	ページ数	モード	送信内容	送信結果
1	0107	00101017038729306	0- 8:11:32	3分28秒	13 / 13	ECM		成功

NOTE : ECM=エラーコレクションモード

SUCCESSFUL

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	08/942,694 <i>4</i> <i>MDA</i>
	Filing Date	August 31, 2001
	First Named Inventor	Jiang et al.
	Art Unit	2633
	Examiner Name	Agustin Ballo
Total Number of Pages in This Submission	Attorney Docket Number	SEN111

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="text-align: center;">CHANGE IN CORRESPONDENCE ADDRESS</p>
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	MARGARET A. BURKE	
Signature	<i>Margaret A. Burke</i>	
Date	AUGUST 9, 2004	

CERTIFICATE OF TRANSMISSION/MAILING		
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Typed or printed name	MARGARET A. BURKE	
Signature	<i>Margaret A. Burke</i>	Date AUGUST 9, 2004

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**210.00**

Complete If Known

Application Number	SEN111 09/942,662/4
Filing Date	AUGUST 31, 2001
First Named Inventor	Jiang
Examiner Name	Agustin Bello
Art Unit	2633
Attorney Docket No.	SEN111

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: _____

Deposit Account Name: _____

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE		Fee Description	Fee Paid
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE		Fee Description	Fee Paid
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 200	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

3. ADDITIONAL FEES		Fee Description	Fee Paid
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 65	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920	1804 920	Requesting publication of SIR prior to Examiner action	
1805 1,840	1805 1,840	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1431 1,510	1431 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (for reissue)	
1502 480	2502 240	Design issue fee	
1503 840	2503 420	Plant issue fee	
1400 130	1400 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(c)	
1806 160	1806 160	Submission of Information Disclosure Sheet	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**210.00**

SUBMITTED BY

Name (Print/Type) Margaret A. Burke

Registration No.

34,474

(Complete if applicable)

Telephone 240 631 2378

Signature

Margaret A. Burke

Date

August 9, 2004

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